

REMARKS

Upon entry of this amendment, claims 5-22 are all the claims pending in the application. Claims 1-4 are canceled by this amendment.

Applicants note that a number of editorial amendments have been made to the specification and abstract for grammatical and general readability purposes. No new matter has been added.

I. Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 5-7, 10-12 and 15-18 under 35 U.S.C. § 102(e) as being anticipated by Nagasawa (U.S. 2003/0206718).

As discussed above, claims 1 and 2 have been canceled by this amendment.

Claim 5, as amended, recites the feature of a packing unit operable to perform packing to divide the audio video stream into plural streams corresponding to packs, the packs being data units for use in managing a recording position of the audio video stream on a recording medium, wherein a position in the audio video stream where an attribute changes is positioned at a head of the pack. Applicants submit that Nagasawa fails to disclose or suggest at least this feature of claim 5.

Nagasawa discloses a recording system for an optical disk having a recording format as shown in Figs. 2A and 2B. In Fig. 2A, a video header 52 is provided which includes a video attribute data section 50 for recording the attribute data of a video signal (see paragraph [0151]). In particular, the video attribute data 50 stores the presence or absence of a scene change and, in addition, stores the address of a jump destination during special playback (see paragraphs [0158] and [0159]).

The Examiner asserts in the Office Action that Nagasawa shows attribute changes 50 being positioned at the head of a pack (see Office Action at page 3). Applicants respectfully submit, however, that the Examiner is mischaracterizing the language recited in claim 5. In particular, Applicants point out that claim 5 does not recite that attribute changes are positioned at the head of a pack, but instead, recites that packing is performed such that a position in the audio video stream where the attribute changes is positioned at the head of the pack.

That is, while the video attribute data 50 of Nagasawa is able to store the presence or absence of a scene change, and is able to store an address of a jump destination, Nagasawa does not perform packing such that the position in a data stream where the attribute changes is positioned at the front of a pack. In other words, the video attribute data 50 merely indicates the presence or absence of a scene change. In no way, however, is the packing performed such that the position in a data stream where the attribute changes positioned at the head of the pack, as recited in claim 5.

For example, as discussed above, the attribute data 50 of Nagasawa is used to indicate the presence or absence of an attribute change. Thus, as the attribute data 50 can be used to indicate the absence of an attribute change, it is clear that the attribute data 50 does not represent a position in a data stream where an attribute changes.

In the present invention, a position in the audio video stream where the attribute changes is positioned at the head of the pack, and therefore, it is possible to correctly recognize the recorded position where the attribute changes in the audio video stream. Thus, in the present invention, the pack can be used as a data unit for use in managing a recording position of the

audio video stream, as recited in claim 5, because a change of an attribute causes a new pack to be formed.

In contrast, in Nagasawa, the GOP is merely a unit of random access, and therefore it is impossible to recognize the recorded address where an attribute changes in the audio video stream even if the attribute data 50 of Nagasawa is read.

In view of the foregoing, Applicants submit that claim 5 is patentable over Nagasawa, an indication of which is respectfully requested. Claims 6 and 7 depend from claim 5 and are therefore considered patentable at least by virtue of their dependency.

Claim 10, as amended, recites the feature of an attribute detector operable to detect a video resolution or an aspect ratio of a video signal as an attribute relating to the video signal on the basis of the audio video stream, and operable to output attribute data indicating the video resolution or the aspect ratio. Applicants submit that Nagasawa fails to disclose or suggest at least this feature of claim 10.

As discussed above, Nagasawa discloses video attribute data 50 that stores the presence or absence of a scene change and, in addition, stores the address of a jump destination during special playback (see paragraphs [0158] and [0159]). Applicants respectfully submit, however, that Nagasawa does not disclose or suggest attribute data relating to a video resolution or an aspect ratio.

Accordingly, Applicants respectfully submit that Nagasawa fails to disclose or suggest the feature of an attribute detector operable to detect a video resolution or an aspect ratio of a video signal as an attribute relating to the video signal on the basis of the audio video stream, and

operable to output attribute data indicating the video resolution or the aspect ratio, as recited in claim 10.

In view of the foregoing, Applicants submit that claim 10 is patentable over Nagasawa, an indication of which is respectfully requested. Claims 11 and 12 depend from claim 10 and are therefore considered patentable at least by virtue of their dependency.

Claim 15, as amended, recites the feature of a video attribute detector operable to detect a video resolution or an aspect ratio of a video signal as a video attribute of the video signal on the basis of the video signal. Applicants submit that Nagasawa fails to disclose or suggest at least this feature of claim 15.

Again, as discussed above, Nagasawa discloses video attribute data 50 that stores the presence or absence of a scene change and, in addition, stores the address of a jump destination during special playback (see paragraphs [0158] and [0159]). Applicants respectfully submit, however, that Nagasawa does not disclose or suggest video attribute data relating to a video resolution or an aspect ratio.

Accordingly, Applicants respectfully submit that Nagasawa fails to disclose or suggest the feature of a video attribute detector operable to detect a video resolution or an aspect ratio of a video signal as a video attribute of the video signal on the basis of the video signal, as recited in claim 15.

In view of the foregoing, Applicants submit that claim 15 is patentable over Nagasawa, an indication of which is respectfully requested. Claims 16-18 depend from claim 15 and are therefore considered patentable at least by virtue of their dependency.

II. Claim Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Nagasawa in view of the admitted prior art. As discussed above, claims 3 and 4 are canceled by this amendment, thereby rendering this rejection moot.

III. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 8, 9, 13, 14 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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